

**CITY COUNCIL, CITY OF ROCKFORD
JOURNAL OF PROCEEDINGS
DECEMBER 6, 2010
COUNCIL CONVENED AT 6:12 P.M.**

1. The invocation was given by Chaplain Colonel Tom Lewis, Salvation Army/Police Chaplain and the Pledge of Allegiance was led by St. Peter's Boy Scout Troop 37.
2. Roll Call:

Mayor Lawrence J. Morrissey

Aldermen: Curran, Mark, Wasco, Hervey, Jacobson, Thompson-Kelly, Johnson,
Timm, Beach, Elyea, Beck, McNeely -12-

Absent: Robertson -1-
3. Alderman Mark moved to accept the Journal of Proceedings of November 29, 2010, seconded by Alderman Wasco. MOTION PREVAILED (Ald. Robertson absent).

PUBLIC HEARING

4. Mayor Morrissey called upon Alderman Hervey to conduct a public hearing. Alderman Hervey called the public hearing to order at 6:14, stating that it was being held pursuant to 65 Illinois Compiled Statutes 5/8-2-9 (2006), a public hearing must be conducted by the City Council prior to the adoption of an appropriation ordinance. Notice of this hearing was given by publication in the Rockford Register Star on November 24, 2010. That notice informed citizens of Rockford that a copy of the proposed budget and appropriation ordinance could be reviewed in the Finance Department, third floor, City Hall Building, 425 East State Street, Rockford, Illinois, from 8:00 am to 5:00 pm, weekdays. The proposed budget was also available online on the City's Website. She asked for questions or comments from the general public and closed the hearing at 6:15 pm.

The meeting returned to regular business at 6:15 pm.

PUBLIC PARTICIPATION

5. Prophet Yusef wished Alderman Timm a happy birthday and recited a poem.
6. Vic Verni, Epilepsy Foundation, thanked Mayor Morrissey for allowing them to "roast" him at the 4th Annual Holiday Roast. The Roast benefits the Epilepsy Foundation.
7. Nancy Gdowski voiced her opinion of reckless spending from the general fund and TIF Districts.

PETITIONS AND COMMUNICATIONS

8. Alderman Timm submitted a letter from Bill Pratt, Wesley Willows, requesting a crosswalk across North Rockton Avenue south of Embury Drive. Referred to Public Works Department/Traffic Division.

9. Alderman Johnson submitted a request for service at 4012 Dakota Lane. Referred to Public Works Department/Traffic Division.
10. Alderman Thompson-Kelly submitted a Memorandum from Ron Schultz, City Attorney, regarding the Southeast Affordable Housing TIF Termination. Referred to Planning and Development Committee.
11. Alderman Thompson-Kelly submitted a Memorandum from Rob Lamb, Industrial Development Manager, regarding the Enterprise Zone Amendment to expand boundaries. Referred to Planning and Development Committee.
12. Alderman Beach submitted a letter from E. James and Nora Rollins expressing their concerns about city issues.
13. Alderman Elyea submitted an e-mail from Deloris Manny, requesting information concerning parking, zoning permits and regulations. Referred to the Legal Department.
14. Alderman McNeely submitted a request for service for pothole patching at Dickerman and Kent Streets. Referred to the Public Works Department.
15. Alderman McNeely submitted a request from Ken Irwin, Heartland Christmas Event, requesting permission from two (2) temporary banners at 1102 South Alpine Road Parking Ramp from December 3, 2010 – January 4, 2011. Alderman McNeely moved to grant the Prayer of the Petitioner, seconded by Alderman Wasco. MOTION PREVAILED (Ald. Robertson absent).
16. Alderman Hervey submitted a memorandum from Andres Sammul, Finance Director, regarding Grant Application for Keith Creek Flood Control Project. Referred to Finance and Personnel Committee.
17. Alderman Beck submitted a Memorandum from Marcy Leach, Engineering Operations Manager, regarding Rockford Health Physicians Agreement for Use of Right-of-Way (Fiber Optics). Referred to Code and Regulation Committee.

NEW COMMITTEE REPORTS

18. Alderman Hervey read a Finance and Personnel Committee Report recommending approval of the Change Order with Baker Tilly, Outsourcing Consultant to add a review of the Legal, Finance and Human Resources Departments for a total cost of \$40,180. The funding source is Departmental Operating Budgets. LAID OVER.

2010-417CR

19. Alderman Hervey read a Finance and Personnel Committee Report recommending the Sole Source Bid Award: Electric Relocation – Morgan Street Rail Consolidation be made to Joseph Behr & Sons, Inc. at a total not to exceed cost of \$45,000 for relocation of power utilities. The funding for this project will come from Illinois Commerce Commission Grade Crossing Protection Funds.

Alderman Hervey moved to suspend Rule 11, seconded by Alderman Mark. MOTION PREVAILED (Ald. Robertson absent). The Committee Report was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Curran, Mark, Wasco, Hervey, Jacobson, Thompson-Kelly, Johnson, Timm, Beach, Elyea, Beck, McNeely -12-
Nays: -0-
Absent: Robertson -1-

2010-418CR

20. Alderman Hervey read a Finance and Personnel Committee Report regarding the PNC Grant Award to Head Start recommending that George Davis, Human Services Director be authorized to execute this agreement.

Alderman Hervey moved to suspend Rule 11, seconded by Alderman Mark. MOTION PREVAILED (Ald. Robertson absent). The Committee Report was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Curran, Mark, Wasco, Hervey, Jacobson, Thompson-Kelly, Johnson, Timm, Beach, Elyea, Beck, McNeely -12-
Nays: -0-
Absent: Robertson -1-

21. Alderman Hervey moved the adoption of a Finance and Personnel Committee Report recommending approval of the total vouchers for the week of December 6, 2010 in the amount of \$4,923,825.71. MOTION PREVAILED by a Roll Call vote of:

Ayes: Curran, Mark, Wasco, Hervey, Jacobson, Thompson-Kelly, Johnson, Timm, Beach, Elyea, Beck, McNeely -12-
Nays: -0-
Absent: Robertson -1-

22. Alderman Beck read a Code and Regulation Committee Report recommending that NO ACTION be taken on the following items:

1. Request from Kevin Rilott, to repeal the existing "No Parking Anytime" on the east side of 10th Street from 30' north of Broadway to 340' north of Broadway.

LAID OVER.

OFFICERS REPORTS

23. Mayor Morrissey presented a Proclamation proclaiming the week of December 6, 2010 to be "JANE ADDAMS/ORCHiD NEIGHBORHOOD ASSOCIATION WEEK" in Rockford, Illinois and commended the efforts of this historic neighborhood organization.

24. Mayor Morrissey presented a Proclamation proclaiming the month of December, 2010 to be "NATIONAL DRUNK AND DRUGGED DRIVING (3D) PREVENTIONS MONTH" in Rockford, Illinois and called upon the Rockford community to promote awareness of the impaired driving problem, to support programs and policies to reduce the incidence of impaired driving, and to promote safety and healthier behaviors regarding the use of alcohol and other drugs this December holiday season and throughout the year. Mayor Morrissey also congratulated the Rockford Police Department Traffic Division for receiving the City's A.C.T.I.O.N Team Award and national recognition for traffic enforcement efforts relating to DUI's in particular.
25. Mayor Morrissey presented a Proclamation proclaiming the month of December, 2010 to be "BOYLAN CATHOLIC HIGH SCHOOL VARSITY FOOTBALL TEAM MONTH" in Rockford, Illinois and congratulated the Boylan Catholic High School Varsity Football Team on a tremendous 2010 Season and winning the Class 6A Championship.
26. Mayor Morrissey mentioned a Memorandum from Tim Hanson, Public Works Director, regarding snow and ice removal operations.
27. Mayor Morrissey referred to a Memorandum from the City of Rockford Human Services Department announcing the warming centers for the 2010-2011 winter season for Boone and Winnebago Counties.
28. Mayor Morrissey announced Comcast will be adding another replay of the City Council meetings on Saturdays at 12:00 (noon) on cable channel 17.
29. Mayor Morrissey thanked council and community members for their support for pension reform efforts.
30. Mayor Morrissey commended R.A.V.E., Harris Bank, local construction trades and community partners for their efforts to launch the "Harris Winter Wonderland" skating rink/trail at Davis Park. He mentioned skating with his daughter and niece and attending the Downtown Holiday Festival and tree lighting in the lobby at City Hall.
31. Mayor Morrissey thanked all the A.C.T.I.O.N Award recipients for their dedication and service to the City.
32. Mayor Morrissey encouraged the Legislative and Lobbying Committee to continue our efforts with opportunities and potential issues with the state legislative process in the spring.
33. Alderman Thompson-Kelly thanked council members for passing the two resolutions
34. Alderman Thompson-Kelly mentioned receiving several letters from constituents opposing the "Roundabout" at North Main and Auburn Street and explained her reasons for supporting the project.
35. Alderman Thompson-Kelly thanked the Public Works Department for their outstanding effort with snow removal operations this past weekend.

36. Alderman Thompson-Kelly announced the passing today of Brad Moberg, City of Rockford employee for 35 years. She offered her condolences and prayers to his family.
37. Mayor Morrissey thanked the individuals who submitted a written request for consideration for the First Ward Alderman interim appointment. He advised he will make an appointment, subject to the advice and consent of the City Council, later this week.
38. Alderman Jacobson thanked Paul Callahan, Commonwealth Edison, for keeping him informed as to the progress of restoring power to the hundreds of customers without electricity.
39. Alderman Wasco, on behalf of Alderman Robertson, announced the 14th Ward meeting will be held on December 9th at 7:00 pm at Heartland Community Church on South Alpine.
40. Alderman Johnson also mentioned that Comcast will be adding another replay of the City Council meetings on Saturdays at 12:00 (noon) on cable channel 17.
41. Alderman Johnson explained this year's snow removal procedures may vary from past years due to budget constraints.
42. Alderman Johnson congratulated all the City employees that received an A.C.T.I.O.N. Award this past Friday at the Annual Holiday Party.
43. Alderman Johnson acknowledged it was an honor to represent the City of Rockford at the 28th Annual Swedish American Chamber of Commerce Luncheon held in Chicago.
44. Alderman Hervey also commended the Public Works Department for the great job with snow removal efforts and apologized for announcing to the media the City had begun residential plowing Saturday morning when in fact they had not.
45. Alderman Hervey reported she attended the Downtown Holiday Festival and also thanked the trade unions for donating their services for the Harris Winter Wonderland skating rink project
46. Alderman Hervey mentioned the recipients of the Rockford Register Star's Excalibur and Excelsior Awards were Kent Mallquist, Excalibur Award and the YWCA, Excelsior Award.
47. Alderman Mark also congratulated the winners of the Excalibur and Excelsior Awards and mentioned Alderman Frank Beach was a finalist for the Excalibur Award. He lauded Alderman Beach for his leadership and service beyond as an alderman and thanked him for all he does for this community. He also mentioned Alderman Beach plays with the Salvation Army Band which performed during the Downtown Holiday Festival.
48. Alderman Mark reflected on the significance of tomorrow, December 7th, the day of the unprovoked attack by Japan on Pearl Harbor, 69 years ago.

49. Alderman McNeely requested Tim Hanson, Director of Public Works, explain to the residences the snow removal and salting procedures for the upcoming winter season.

Tim Hanson explained both procedures and mentioned all snow removal operations this past snow fall were done in house, saving approximately \$30,000. He advised residents to call the street department if their street is missed at 815/987-5763 or 5764.

UNFINISHED BUSINESS

2010-419CR

53. Alderman Beck moved the adoption of a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Special Use Permit for the operation of a sexually-oriented bookstore business in a C-3, General Commercial Zoning District at 280 North Phelps Avenue, Unit E. Approval is subject to the following conditions:

1. That the Special Use Permit shall lapse after five years and the use shall be discontinued. The business owner may reapply for the Special Use Permit at the time.

Approval is based on the Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance. MOTION PREVAILED by a Roll Call vote of:

Ayes: Curran, Mark, Wasco, Jacobson, Thompson-Kelly, Johnson, Timm,
Beach, Elyea, Beck -10-
Nays: Hervey, McNeely -2-
Absent: Robertson -1-

2010-420CR

54. Alderman Beck moved the adoption of a Code and Regulation Committee Report SUSTAINING the Liquor Advisory Board, thereby recommending that City Council DENY the sale of liquor by the drink in conjunction with a restaurant, bar and banquet hall (venue) in the name of **Vansy Xayvandy d/b/a Aqua Vite, LLC** in a C-4, Urban Mixed-Use Zoning District at 1201 Broadway. MOTION PREVAILED by a Roll Call vote of:

Ayes: Curran, Mark, Wasco, Hervey, Jacobson, Thompson-Kelly, Johnson,
Timm, Elyea, Beck, McNeely -11-
Nays: Beach -1-
Absent: Robertson -1-

2010-421CR

55. Alderman Beck moved the adoption of a Code and Regulation Committee Report SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the sale of liquor by the drink in conjunction with a restaurant and outdoor beer garden/seating area in the name of **Ramon Reynoso d/b/a Hacienda El Patron** in a C-2, Limited Commercial District and R-1, Single-Family Residential Zoning District at 3929 Broadway. Approval is subject to the following conditions:

1. Compliance with the Liquor Ordinance.
2. Hours of operation are limited as provided on the submitted Business Plan Exhibit E.
3. There shall be no cover charge.

The Legal Director is hereby instructed to prepare the necessary Ordinance. MOTION PREVAILED by a Roll Call vote of:

Ayes: Curran, Mark, Wasco, Hervey, Jacobson, Thompson-Kelly, Johnson,
Timm, Elyea, Beck, McNeely -11-
Nays: Beach -1-
Absent: Robertson -1-

2010-422CR

56. Alderman Beck moved the adoption of a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Variation to allow a 6' fence as previously placed in the front yard along Eastgate Parkway in an R-1, Single-family Residential Zoning District at 3445 Minnesota Drive.

Approval is based on the Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance. MOTION PREVAILED by a Roll Call vote of:

Ayes: Curran, Mark, Wasco, Hervey, Jacobson, Thompson-Kelly, Johnson,
Timm, Beach, Elyea, Beck, McNeely -12-
Nays: -0-
Absent: Robertson -1-

2010-423CR

57. Alderman Beck moved the adoption of a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council DENY the Variation to allow a second wall sign on the east elevation above the first floor on building one in a C-1, Limited Office Zoning District at 6957 Olde Creek Road.

Denial is based on the Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance. MOTION PREVAILED by a Roll Call vote of:

Ayes: Curran, Mark, Wasco, Hervey, Jacobson, Thompson-Kelly, Johnson,
Timm, Beach, Elyea, Beck, McNeely -12-
Nays: -0-
Absent: Robertson -1-

2010-424CR

58. Alderman Beck moved the adoption of a Code and Regulation Committee Report recommending the approval of the sale of City owned property located near the intersection of Concord and West State Street for a minimum bid of \$35,000 and that proposals for terms of payment will be received. The Legal Director shall prepare the necessary ordinance. MOTION PREVAILED by a Roll Call vote of:

Ayes: Curran, Mark, Wasco, Hervey, Jacobson, Thompson-Kelly, Johnson, Timm, Beach, Elyea, Beck, McNeely -12-
Nays: -0-
Absent: Robertson -1-

59. Alderman Beck moved the adoption of an Ordinance amending Article 64, of the Zoning Ordinance of the City of Rockford, Illinois for a variation to allow an eight foot privacy fence along the back of petitioner's properties within the front yard along Spring Creek Road, in an R-1, Single-Family Residential District at 6336, 6358, 6382, 6394 Brigantine Lane. Approval is subject to the following conditions:

1. The applicant shall work with the Traffic Engineer to ensure that the fence will not be located within a sight triangle prior to issuance of a fence permit.

Alderman Beck made a motion to refer the item back to the Code and Regulation Committee, seconded by Alderman Mark. MOTION PREVAILED (Ald. Robertson absent).
BACK TO COMMITTEE.

2010-425CR

60. Alderman Hervey moved the adoption of a Finance and Personnel Committee Report recommending approval of an Engineering Agreement: Chicago-Rockford International Airport Water Main Improvements be made to Crawford, Murphy & Tilly for design engineering for a total not to exceed cost of \$64,800. The funding for this project will come from WRIA funds. MOTION PREVAILED by a Roll Call vote of:

Ayes: Curran, Mark, Wasco, Hervey, Jacobson, Thompson-Kelly, Johnson, Timm, Beach, Elyea, Beck -11-
Nays: McNeely -1-
Absent: Robertson -1-

2010-426CR

61. Alderman Hervey moved the adoption of a Finance and Personnel Committee Report recommending approval of an Engineering Agreement: Harrison Avenue (11th St.-20th St.) Phase II Engineering be made to Fehr-Graham & Associates for Phase II design engineering for a total not to exceed cost of \$749,057.07. The funding for the project will come from Sales Tax Funds. MOTION PREVAILED by a Roll Call vote of:

Ayes: Curran, Mark, Wasco, Hervey, Jacobson, Thompson-Kelly, Johnson, Timm, Beach, Elyea, Beck, McNeely -12-
Nays: -0-
Absent: Robertson -1-

62. Upon motion duly made and seconded, the meeting was adjourned at 7:17 p.m.

Respectfully submitted,

Diane Reed
City Council Clerk

[The meeting was taped in its entirety, and the tape is on file in the Legal Department]

CITY COUNCIL, CITY OF ROCKFORD, ILLINOIS
City Council Chambers, 2ND floor City Hall
425 E. State Street, Rockford
December 13, 2010
6:00 P.M.
AGENDA

The following represents, in general, the chronological order of proceedings at the City Council meeting:

- Call to Order by the Mayor
- Invocation and Pledge of Allegiance
- Roll Call and determination of quorum
- Acceptance of Journal of Proceedings
- Public Hearing
- Public Participation
- Petitions and Communications
- New Committee Reports (Reports of Standing Committees – Code and Regulation, Finance and Personnel, Planning and Development - and other select committees)

I. NEW COMMITTEE REPORTS TO BE READ IN DECEMBER 13, 2010

A. CODE AND REGULATIONS

1. Beck – Traffic – NO ACTION be taken on the following:
 1. Request from Kevin Rilott for assigned parking spaces on 10th Street.
 2. Beck - Rockford Health Physicians Agreement for Use of Right-of-Way (Fiber Optic)
 3. Beck – ZBA - Variation for a 16' by 16' turn-around extension to a driveway in the required front yard Variation to increase the Maximum Impervious Surface Ratio from 50% to 54% in an R-1, Single-family Residential Zoning District at 3447 Broadway
 4. Beck – ZBA - Variation to allow an eight foot (8') privacy fence along the back of petitioner's properties within the front yard along Spring Creek Road in an R-1, Single-Family Residential District at 6336, 6358, 6382, 6394 Brigantine Lane
- Officers Reports
 - Unfinished Business of previous meeting

UNFINISHED BUSINESS

II. COMMITTEE REPORTS LAID OVER DECEMBER 6, 2010

1. Hervey - Finance and Personnel - Recommending approval of the Change Order with Baker Tilly, Outsourcing Consultant to add a review of the Legal, Finance and Human Resources Departments for a total cost of \$40,180. The funding source is Departmental Operating Budgets.
2. Beck - Code and Regulation - Recommending that NO ACTION be taken on the following items:
 1. Request from Kevin Rilott, to repeal the existing "No Parking Anytime" on the east side of 10th Street from 30' north of Broadway to 340' north of Broadway.

- Motions and Resolutions

III. NEW BUSINESS (note: Ordinances may be read in under New Business and Rule 11 suspended and final vote taken. Committee Reports would have previously been voted on).

1. Beck – Ordinance – ZBA – Approving a Special Use Permit for the operation of a sexually-oriented bookstore business in a C-3, General Commercial Zoning District at 280 North Phelps Avenue, Unit E. Approval is subject to the following conditions:
 1. That the Special Use Permit shall lapse after five years and the use shall be discontinued. The business owner may reapply for the Special Use Permit at the time.

Approval is based on the Findings of Fact.

2. Beck – Ordinance – LAB – Approving the sale of liquor by the drink in conjunction with a restaurant and outdoor beer garden/seating area in the name of **Ramon Reynoso d/b/a Hacienda El Patron** in a C-2, Limited Commercial District and R-1, Single-Family Residential Zoning District at 3929 Broadway. Approval is subject to the following conditions:
 1. Compliance with the Liquor Ordinance.
 2. Hours of operation are limited as provided on the submitted Business Plan Exhibit E.
 3. There shall be no cover charge.
3. Beck – Ordinance – ZBA – Approving the Variation to allow a 6' fence as previously placed in the front yard along Eastgate Parkway in an R-1, Single-family Residential Zoning District at 3445 Minnesota Drive.

Approval is based on the Findings of Fact.

4. Beck - Ordinance – Approving the sale of City owned property located near the intersection of Concord and West State Street for a minimum bid of \$35,000 and that proposals for terms of payment will be received.

- * same action taken before
- Adjournment

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POSSIBLE ADDITIONAL ITEMS:

The following items appear on the City Council Standing Committee Agendas as noted. Items may receive a vote at committee and come before the first City Council meeting held after the committee meeting. Rule 11 can be suspended and final vote taken on said items at the City Council meeting (no rule suspension is necessary to take a vote on vouchers).

CODE AND REGULATION COMMITTEE

Monday, December 13, 2010, 5:15 p.m.

Conference Room A, City Hall 2nd floor (north room)

AGENDA

1. C & R 10-182 Rockford Health Physicians Agreement for Use of Right-of-Way (Fiber Optic)
2. C & R 10-134 ZBA#023-10 Comprehensive Zoning Map Update with multiple zoning amendments for City Wide Zoning Map
3. C & R 10-178 ZBA#038-10 Zoning Text Amendment to Section 20-1 Use Classification Table & Section 51-002 Signs Not Permitted
4. C & R 10-176 ZBA#034-10 Variation for a 16' by 16' turn-around extension to a driveway in the required front yard
Variation to increase the Maximum Impervious Surface Ratio from 50% to 54% in an R-1, Single-family Residential Zoning District at 3447 Broadway
5. C & R 10-162 ZBA#028-10 Variation to allow an eight foot (8') privacy fence along the back of petitioner's properties within the front yard along Spring Creek Road in an R-1, Single-Family Residential District at 6336, 6358, 6382, 6394 Brigantine Lane
6. C & R 10-181 Closed Session for Purposes of Pending Litigation and/or Land Acquisition or Sale of Property

FINANCE AND PERSONNEL COMMITTEE

Monday, December 13, 2010, 5:15 p.m.

Conference Room B, City Hall 2nd floor (south room)

AGENDA

1. Purchasing and Vouchers
 - A. Contract Extension: Email Spam & Virus Filter
 - B. Award of Contract: Medical Stop Loss Coverage – Suspend rules
 - C. Resolution to take Bids
 - D. Resolution for Improvement Under the Illinois Highway Code for Rockford Junction Track Improvements
 - E. Vouchers
2. 2011 Animal Services Contract Renewal – Laid over 12/06
3. Tax Exempt Industrial Revenue Bond for Olson Aluminum Castings, Ltd - Laid over 12/06
4. Grant Application for funding Keith Creek Flood Control project/IEMA State-Local Hazard Mitigation Grant Program (HMGP)
5. 2011 Budget

PLANNING AND DEVELOPMENT COMMITTEE

Monday, December 13, 2010, 5:00 p.m.

CD Conference Room, City Hall 2nd floor

AGENDA

1. Memorandum from Ron Schultz, City Attorney, regarding the Southeast Affordable Housing TIF Termination.
2. Memorandum from Rob Lamb, Industrial Development Manager, regarding the Enterprise Zone Amendment to Expand Boundaries.

LEGISLATIVE LOBBYING COMMITTEE

Monday, December 13, 2010, p.m.

Conference Room A, City Hall 2nd floor (north room)

AGENDA

No Meeting Scheduled.